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October 3, 2013

VIA ECF

Honorable Judge Dora Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Skee Ball, Inc. v. Full Circle United, LLC*
United States District Court, Eastern District of New York
Case No. 11-CV-6277 (DLI) (LB)

Full Circle United, LLC v. Skee Ball, Inc.
United States District Court, Eastern District of New York
Case No.: 1:11-CV-5476 (DLI) (LB)

Dear Judge Irizarry:

This office represents Skee Ball, Inc. ("SBI") in the above-referenced actions. This letter is in response to the letter submitted to the Court by Full Circle United, LLC ("Full Circle") on October 2, 2013.

SBI disagrees with the position stated by Full Circle in its letter to the Court and, by this letter, opposes it.

After a conference with Magistrate Judge Bloom, the parties engaged in extensive mediation efforts, which have been ongoing through the efforts of two different mediators. The first mediation was held in San Francisco on July 10, 2012 with Hon. Richard Hodge (Ret.) of ADR Services, Inc. Following the parties' post-mediation attempts to resolve important financial and other business terms, the parties agreed to a second mediation with Jed Melnick of

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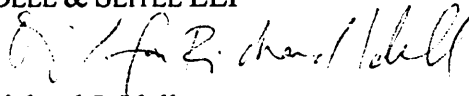
Judicial Arbitration & Mediation Services, Inc. ("JAMS"). A second face-to-face mediation was held in Philadelphia on June 25, 2013. The second mediation continued, through Mr. Melnick's efforts, after the face-to-face session.

SBI does not agree with Full Circle's contention that there was a final "drop dead" deadline of July 31, 2013 for recourse to the Court. Indeed, both sides continued efforts to mediate the dispute throughout the summer and until Full Circle unilaterally cut off further discussions and sent its letter to the Court on October 2, 2013. Since, as noted in Full Circle's letter regarding a further offer from SBI, there are still mediation efforts underway, SBI did not agree to a joint letter to the Court and opposes Full Circle's request.

The parties have spent considerable resources on mediators and the mediation process, and SBI believes that process should be allowed to be concluded, *i.e.*, at such time as the mediator finally concludes that there is nothing more to discuss or a settlement is reached. In that regard, SBI requests that the mediation process be allowed to continue without the additional expense and burden of recommencement of litigation proceedings. Since the case is at an early stage, there is no prejudice to either side in continuing the mediation process, and, if the case is successfully settled through that process, both sides and the Court will benefit.

Thank you for your consideration of this opposition.

Respectfully submitted,
IDELL & SEITEL LLP



Richard J. Idell

RJI:obs

cc: All Counsel (via ECF)
Jed Melnick (via email)